

DEC 08 2009

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CONRAD, CLERK  
BY: *L. B. Wright*  
DEPUTY CLERK

DESMOND JONES,

Plaintiff,

v.

MS. VANDEVANDER,

Defendant.

Case No. 7:09CV00055

**FINAL ORDER**

By: Glen E. Conrad  
United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ORDERED**

as follows:

1. The clerk **SHALL** change the docket of the court to reflect the correct spelling of the defendant's name as "Ms. Vandevander";
2. The report and recommendation of the magistrate judge (Dkt. No. 38) is hereby **ADOPTED** as to plaintiff's claims that Ms. Vandevander acted with deliberate indifference to his serious medical needs; and the defendant's motion for summary judgment (Dkt. No. 31) is **GRANTED**;
3. Any possible state law claims regarding plaintiff's course of medical treatment are hereby **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1367(c);
4. Plaintiff's claims of retaliation are hereby **DISMISSED**, pursuant to 28 U.S.C. § 1915A(b)(1), for failure to state a claim;
5. Plaintiff's submissions regarding injunctive relief (Dkt. Nos. 35 and 37) are hereby **CONSTRUED** and **GRANTED** as motions to amend, but plaintiff's amended claims for injunctive relief regarding future medical treatment are **DISMISSED** as moot, inasmuch as he is no longer under the defendant's care since his transfer; and
6. This action is hereby stricken from the active docket of the court.

ENTER: This 7<sup>th</sup> day of December, 2009.

*Glen E. Conrad*  
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United States District Judge